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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,165	07/07/1999	AKIRA NAKAGAWA	826.1553/JDH	4844

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EXAMINER

WONG, ALLEN C

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 05/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/348,165

Applicant(s)

NAKAGAWA ET AL.

Examiner

Allen Wong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2/19/03 have been fully read and considered but they are not persuasive.

Before discussing the applicant's remarks, the objection to the specification has been withdrawn because the applicant corrected the spelling error. Claim 5 is now allowable because it incorporates the limitations of the previous claim 1.

Regarding lines 15-20 on page 6 of applicant's remarks, applicant states that Lynch does not disclose the decoding a motion vector in which a prediction for the vector is made based on neighboring motion vectors, the accuracy of the prediction is determined by examining the non-uniformity of the vectors used to make the prediction, and the predicted vector and the accuracy of the predicted vector are used to make the motion vector. The examiner respectfully disagrees. As stated before in the rejection of claims 11-13, Lynch's element 98 in fig.17 is a decoder that decodes a motion vector in which a prediction for the vector is made based on neighboring motion vectors. In Lynch's fig.17, Lynch discloses that the coding mode can be determined, as evidenced by "MODE". In the MPEG video encoding standard, the coding mode can be intra-frame or inter-frame. As shown in Lynch's fig.17, during the inter-frame coding mode, a motion vector is determined by evaluating frame data from a current frame and a previous frame. As noted in figure 17, Lynch discloses that there are two frame memories, elements 52 and 53, for storing current frame data and previous frame data. Then, one takes the difference data or non-uniform image data between the current

frame data and the previous frame data to obtain a motion vector. Also, Lynch discloses a motion vector calculator for performing motion vector calculations, including accuracy of a prediction from the examination of the non-uniform image data. Thus, Lynch discloses the accuracy of the prediction is determined by examining the non-uniformity of the vectors used to make the prediction, and the predicted vector and the accuracy of the predicted vector are used to make the motion vector.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 11-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lynch (5,198,901).

Regarding claim 11, Lynch discloses a motion vector decoding device for decoding an encoding result which is obtained by encoding motion vectors of respective blocks obtained by partitioning each frame of moving image data, comprising: predicting means for predicting a motion vector of a target block based on motion vectors of a plurality of blocks adjacent to the target block (fig.17, note "PREDICTION" is done); determining means for determining accuracy of a prediction made by said predicting means based on degrees of non-uniformity of the plurality of motion vectors (in fig.17,

note "MODE" is determined, also note fig.17, element 111); and decoding means for decoding the motion vector of the target block by using a result of the prediction made by said predicting means with a decoding method determined based on a result of the determination made by said determining means (note fig.17, element 98 is a decoding means).

Note claims 12-13 and claims 20-22 have similar corresponding elements. Also, note newly added dependent claims 14-19 are rejected for the same reasons as set forth above for independent claims 11-13.

Allowable Subject Matter

2. Claim 5 is allowed.
3. The following is a statement of reasons for the indication of allowable subject matter: the applicant has rewritten claim 5 into an independent form such that the current claim 5 incorporates the previous limitations of the claim 1. Since there are no prior art references that teach or suggest the current claim 5, it is considered patentable.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Allen Wong
Examiner
Art Unit 2613

AW
May 1, 2003



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
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